

REMARKS

Claims 1-61 are pending and under current examination. By this Amendment, Applicants have amended claims 1, 15, 29, 43, and 57. Support for the amendments can be found in the originally-filed specification at, for example, paragraphs [045], [063], [073], and [087]. No new matter has been added.

Summary

The Office Action rejected claims 1-61 under 35 U.S.C. § 103(a) as being unpatentable over US Patent No. 5,068,797 to Sansone et al. ("Sansone") in view of U.S. Patent Application Publication No. 2002/0032573 to Williams et al. ("Williams"), and further in view of U.S. Patent No. 5,072,401 ("Sansone '401").

Rejection of Claims 1-61 under 35 U.S.C. § 103(a)

Applicants respectfully traverse the rejection of claims 1-61 under 35 U.S.C. § 103(a). No *prima facie* case of obviousness has been established with respect to these claims.

To establish a *prima facie* case of obviousness, the Office Action must, among other things, properly determine the scope and content of the prior art and properly ascertain the differences between the claimed invention and the prior art. See M.P.E.P. § 2144.08(II)(A). Furthermore, the Office Action must make findings with respect to all of the claim limitations and must make "some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." See *Id.* §§ 2143.03 and 2141(III).

Amended independent claim 1 recites a method of managing delivery carriers, the method including, among other things, the following features:

monitoring, in real time, mail delivery on the determined routes after the mail items are assigned, wherein real time monitoring the mail delivery includes:

receiving real time update information from the delivery carriers while the mail items are being delivered on the predetermined routes, wherein the real time update information relates to at least one of the routes for delivery and a capacity of the delivery carriers; and

dynamically reassigning the mail items to different delivery carriers based on the real time update information received from the delivery carriers during real time monitoring the mail delivery.

Applicants submit that Sansone, Williams, and Sansone '401, whether taken alone or in any combination, do not teach or suggest at least the above features of amended claim 1. The Office Action alleges that Sansone discloses, in Figs. 4A and 4B, and at col. 9, lines 38-64, "transmittal and reception of data via the communication link (dotted lines) and the movement of physical mail (indicated by solid lines)." Office Action, p. 5. Applicants submit that Sansone's bare disclosure of a "communication link," without more, does not teach or suggest "monitoring, in real time, mail delivery on the determined routes after the mail items are assigned, wherein real time monitoring the mail delivery includes: receiving real time update information from the delivery carriers while the mail items are being delivered on the predetermined routes . . .," as recited in amended claim 1 (emphases added).

The Office Action also alleges that Sansone '401 discloses, at col. 8, lines 33-67 and col. 9, lines 1-29, "data exchange between the central station and the user station . . . [and that] information from the central station may be down loaded to the user and can consist of advisory procedures (changes in postal charges), changes in carrier routes, address changes, etc." Office Action, p. 5 (emphasis in original). Applicants

submit that Sansone '401 merely teaches, in the above referenced portion, that "changes in carrier routes" may be downloaded from the data center to the user station for the purpose of sanitizing a mailing address list. Col. 8, lines 52-61. Consulting previously stored carrier routes is not real time monitoring, and nothing in the above referenced portion of Sansone '401 teaches or suggests "monitoring, in real time, mail delivery on the determined routes after the mail items are assigned, wherein real time monitoring the mail delivery includes: receiving real time update information from the delivery carriers while the mail items are being delivered on the predetermined routes . . . ," as recited in amended claim 1.

The Office Action also alleges that Sansone '401, "in at least Column 11, lines 60-67 and Column 12, lines 1-31 further disclose[] that the system is able to organize and coordinate carrier pick-up, routing, and delivery of batch mail" Office Action, p. 5. Applicants submit that the mere disclosure of "organiz[ing] and coordinat[ing] carrier pick-up, routing, and delivery of batch mail" in Sansone '401 does not meet the claimed "monitoring, in real time, mail delivery on the determined routes after the mail items are assigned, wherein real time monitoring the mail delivery includes: receiving real time update information from the delivery carriers while the mail items are being delivered on the predetermined routes . . . ," as recited in amended claim 1, because the Sansone '401 system does not use real time information and dynamic reassignment while the mail is being delivered.

When alleging that Sansone '401 discloses the claimed "dynamically reassigning . . . ," as recited in claim 1, the Office Action cites to col. 12, lines 16-31 and 32-47 of Sansone '401, which discloses that "mail transported by different carriers may be

rerouted to different depots based on the available resources and because mail delivery could be expedited.” Office Action, p. 6. The resources referred to, however, are static resources, and the resource information is static, such as information describing the number and kinds of machines at a depot, which is quite different from real time update information gathered by real time monitoring of mail delivery. Col. 11, lines 2-4.

Accordingly, the Office Action misinterprets the teachings of the reference, and Sansone ‘401 does not teach or suggest “monitoring, in real time, mail delivery on the determined routes after the mail items are assigned . . . [including] receiving real time update information from the delivery carriers while the mail items are being delivered on the predetermined routes . . . ,” as recited in claim 1, or “dynamically reassigning the mail items to different delivery carriers based on the real time update information received from the delivery carriers during real time monitoring the mail delivery,” as recited in amended claim 1 (emphases added).

The Office Action further alleges that at col. 14, lines 1-56 and col. 16, lines 24-67, Sansone ‘401 discloses that “the data center . . . may change carriers and routes when conditions arise in which a greater efficiency arises by employing different routes or carriers thereby resulting in an increase in the transit efficiency.” Office Action, p. 6. Applicants submit that col. 14, lines 1-56 of Sansone ‘401 merely teaches that the data center can utilize information provided by the Post Office to determine the most efficient use of various carriers and routes and transmit the determination to the Post Office, but does not teach or suggest real time monitoring of mail delivery and receiving real time update information from the delivery carriers while the mail is being delivered. This portion of Sansone ‘401 also does not teach or suggest dynamic reassignment while the

mail is being delivered. Col. 16, lines 24-67 of Sansone '401 merely teaches that the data center can determine the difference between the total required capacity and the actual current capacity of the Post Office for handling mail, and transmitting the determination to the Post Office such that the Post Office can making available suitable facilities for effective processing of mail, for example, increasing or decreasing its staff. However, this portion of Sansone '401 does not teach or suggest anything concerning real time monitoring of mail delivery or dynamic reassignment of mail while the mail is being delivered. Therefore, for at least the foregoing reasons, Sansone '401 fails to cure the deficiencies of Sansone, and the Office Action has misinterpreted the scope and content of the cited references.

Likewise, Williams also does not teach or suggest, among other things, at least the above-quoted "monitoring, in real time, mail delivery . . . [including] receiving real time update information from the delivery carriers while the mail items are being delivered on the predetermined routes," and "dynamically reassigning the mail items to different delivery carriers based on the real time update information received from the delivery carriers during real time monitoring the mail delivery," as recited in claim 1. Therefore, Williams does not cure the deficiencies of Sansone and Sansone '401.

For at least the foregoing reasons, Sansone, Williams, and Sansone '401, whether taken alone or in combination, fail to teach or suggest the recited features of amended claim 1, and the Office Action incorrectly determined the scope and content of the prior art. Moreover, the undisclosed features represent significant differences between the claimed invention and the prior art. Therefore, a *prima facie* case of obviousness has not been established for claim 1, and it is allowable over the cited

references. Dependent claims 2-14 and 58 are also allowable at least by virtue of their dependence from claim 1, as well as by virtue of reciting additional features not taught or suggested by the cited references.

Although of different scope, each of amended independent claims 15, 29, 43, and 57 includes similar features as those recited in amended claim 1. For at least the same reasons claim 1 is allowable, each of independent claims 15, 29, 43, and 57 is also patentable over the cited references, and thus, is allowable. Dependent claims 16-28, 30-42, 44-56, and 59-61 are also allowable at least by virtue of their respective dependence from independent claims 15, 29, and 43, as well as by virtue of reciting additional features not taught or suggested by the cited references. Therefore, Applicants respectfully request withdrawal of the 35 U.S.C. § 103(a) rejection of claims 1-61.

Conclusion

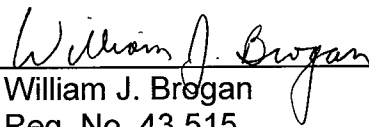
In view of the foregoing, Applicants respectfully request reconsideration of this application and timely allowance of the pending claims.

Please grant any additional extensions of time required to enter this response
and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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